

Sturgeon. Weinert.  
Terrell of Bowie.

The bill was read third time, and passed by the following vote:

Yeas—23.

Adams.	Murray.
Alexander.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Mayfield.	Willacy.
Meachum.	

Absent.

Brachfield.	Sturgeon.
Holsey.	Terrell of Bowie.
Masterson.	Watson.
Real.	Weinert.

Senator Harper moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### EXCUSED.

On account of important business:

Senator Weinert for today, on motion of Senator Kellie.

Senator Masterson for today, on motion of Senator Alexander.

#### ADJOURNMENT.

On motion of Senator Kellie, the Senate adjourned until Monday morning at 10 o'clock.

#### APPENDIX.

##### COMMITTEE REPORTS.

Committee Room,  
Austin, Texas, May 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 28, A bill to be entitled "An Act authorizing any life insurance company incorporated under the laws of this State, at its option, to deposit

securities equal in value to the legal reserve on its outstanding policies and annuity bonds for the benefit of all the holders thereof, and providing for the regulation and maintenance of such deposit, and the terms and purposes for which same shall be held; providing for additional reserve on extra hazardous risks; making it unlawful to pay certain persons for procuring insurance, and fixing a penalty for the violation thereof, and declaring an emergency."

And find the same correctly engrossed.

HAYTER, Acting Chairman.

#### PETITIONS AND MEMORIALS.

By Senator Perkins:

Wolfe City, Texas, April 30, 1909.

Hon. Tom W. Perkins, Senate, Austin, Texas.

Dear Sir: Citizens of this section censure Senate, Legislature and Campbell account of frequent cold spells, and respectfully request adjournment before it snows.

Signed—N. Fetty, L. A. Dawlen, W. F. Jackson, J. R. Knight, J. D. Harrell, J. W. Motley, J. H. Blocker and twenty others.

#### FIFTEENTH DAY.

Senate Chamber,  
Austin, Texas,  
Monday, May 3, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Veale.
Mayfield.	Ward.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Bryan.	Watson.
Masterson.	

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

Morning call concluded.

#### SENATE BILL NO. 18.

The Chair laid before the Senate, on second reading and special order for this hour,

Senate bill No. 18, A bill to be entitled "An Act concerning surety companies authorized to transact business in this State and their agents, and to permit such companies and such agents to form an association for the purpose of gathering statistics, exchanging experiences and ascertaining the fair and reasonable rates to be paid them for their suretyship, and to maintain such rates, and to prevent losses arising from dishonesty or dereliction of duty of public officers, trustees and others, and to prevent discriminations, favoritism or rebates, and declaring an emergency."

Senator Brachfield offered the following amendment, which was read and adopted:

Amend Senate bill No. 18 by striking out Section 1 thereof and inserting in lieu thereof the following:

"Section 1. Any two or more surety companies authorized to transact business in this State, or their agents therein, may form an association for the purpose of reducing losses, gathering statistics, exchanging experiences and ascertaining the fair and reasonable rates to be paid them for their suretyship, provided that no such association shall be formed except upon condition that it shall, through its proper officers, immediately submit to the Commissioner of Insurance and Banking of this State a schedule of the rates so ascertained and proposed to be established and maintained by such companies; if such Commissioner shall, upon considering such schedule of rates, find that the same are not unreasonable or excessive and do not exceed the rates that are now or may hereafter be established by law for any class of suretyship, and that such rates do not exceed the rates charged by any such surety company anywhere outside of the State of Texas for the same class of risks or risks of substantially the same degree of hazard, he shall approve the same; and if he shall disapprove such schedule of rates, or any portion

thereof, it shall be his duty to fix a schedule of rates which will not be unreasonable or excessive or exceed the rates that are now or may hereafter be established by law for any class of suretyship; and that shall not exceed the rate charged by any such companies outside the State of Texas for the same class of risks or risks of substantially the same degree of hazard. All such rates so ascertained and made, when approved by the Commissioner, or when fixed by him as provided in this section, shall thereafter be maintained by all such companies and their agents; provided, that any such action of the Commissioner of Insurance and Banking shall be subject to review by any court of competent jurisdiction at the suit of any party affected thereby. Any such association, complying with the provisions of this section, may also adopt means to prevent discrimination and rebates on the part of any company represented therein and to prevent losses arising from dishonesty or dereliction of duty of public officers, trustees, guardians, executors, administrators and other fiduciaries of whatsoever kind, and of others for whom surety companies may become sureties."

Bill read second time, and ordered engrossed.

On motion of Senator Peeler, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Alexander.	Paulus.
Brachfield.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Veale.
Mayfield.	Ward.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Adams.	Senter.
Bryan.	Watson.
Masterson.	

The bill was read third time, and passed by the following vote:

Yeas—27.

Alexander.	Peeler.
Brachfield.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Veale.
Mayfield.	Ward.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Adams.	Masterson.
Bryan.	Watson.

Senator Peeler moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## EXCUSED.

On account of sickness in family:

Senator Thomas for balance of this week, on motion of Senator Cofer.

## FIRST HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, May 3, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 18, A bill to be entitled "An Act making appropriations for the support of the State government for two years beginning September 1, 1909, and ending August 31, 1911, and for other purposes, and prescribing certain regulations and restrictions in respect thereto; to make additional appropriations for the support of the State government ending August 31, 1909, and to pay various miscellaneous claims against the State, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

## BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption

had been read, the following House bill (see above House message for caption):  
House bill No. 18, referred to Finance Committee.

## OPINION OF ATTORNEY GENERAL.

The Chair laid the following communication before the Senate, and directed same to be printed in the Journal:

Attorney General's Department,

Austin, Texas, May 3, 1909.

Hon. A. B. Davidson, Lieutenant Governor, Austin, Texas.

My Dear Sir: I beg to acknowledge receipt of yours of the 24th in which you request to be advised by this department whether in our opinion the bill which passed the House relating to the completion of the penitentiary railroad and the issuance of certain bonds violates the Constitution of this State.

Inasmuch as the bill, as it passed the House, only authorized the completion of the road to Palestine, a distance of about three miles from its present western terminus, and the issuance of bonds amounting to only \$50,000 in excess of those already issued under and by virtue of an act of the Thirtieth Legislature, I will confine myself to the questions submitted by you in so far as they relate to the bill as passed.

It can not be questioned that the State has the power to maintain a penitentiary system. While the Constitution is silent upon that subject, it is beyond question a necessary function of government, and the Constitution contains no limitation upon the power of the Legislature to establish a penitentiary system for the safe-keeping of convicts, or to establish industrial enterprises for their employment. The maintenance of such industries as would only in a slight degree compete with free labor has been the settled policy of this State for many years, and from time to time the Legislature has made provision for their establishment, notably, the iron industry, the wagon and furniture factory and the provision for the establishment of a cotton twine and bagging factory by the Penitentiary Board at the Regular Session of the present Legislature. The Thirtieth Legislature, in which you had the honor to preside over the Senate, passed a similar bill to the one under consideration (Chapter 74 of the Acts of the Thirtieth Legislature, page 151). The Legislature

clearly expressed the purpose and necessity for the extension of the road as well as the legislative intent in the enactment of the bill, by the language used in the emergency clause which is in part as follows:

"The fact that there now exists no law providing for means for the extension of said State railroad, and the fact that the operation of said State railroad, and the fact that the operation of the Rusk penitentiary will be materially facilitated and cheapened by such extensions and operation of said State railroad, as in this act provided, and the fact that such extension is necessary to protect the timber and mineral resources of said penitentiary, creates an emergency," etc.

The Legislature has therein declared the imperative necessity of such an extension. The extension into the timber and ore lands, and the connection with another trunk line only a few miles distant from which it could receive its fuel for blasting and limestone for fluxing the ore, and also the additional outlet afforded for shipping the products of the penitentiary, are undoubted necessities. The Legislature is the one department of government to pass upon such a necessity, and having done so, it is clear that the absence of constitutional limitation, it has the undoubted power to make the extension to the point where the necessities of the penitentiaries as expressed in the law, requires.

It has been repeatedly held that the presumption is: that every State statute, the object and provisions of which are among the acknowledged powers of legislation, is valid and constitutional; and such presumption is not to be overcome unless the contrary is clearly demonstrated.

Sedgwick, on Construction Constitutional Law, p. 409.

Fletcher vs. Peck, 6 Cranch, 87.

Ex-parte McCollom, 1 Cowan, 564.

The necessity as declared by the Legislature for the extension through the ore and timber lands to a connection with another line of railroad is undisputed, and has been so affirmatively declared by the Legislature, and there being no constitutional inhibition against it in my opinion, the Legislature clearly has the power to authorize its construction to the extent authorized in the bill as it finally passed the House.

The next question is whether the Legislature has the power to borrow from the permanent school fund \$200,000 to

take up the former loan of \$150,000 and to complete the three miles of line to its destination at Palestine, and to authorize the Penitentiary Board to issue bonds to that amount carrying a lien upon the line as security for the money.

There are three constitutional provisions which may appear to have some bearing upon this question. If neither of them prohibits the Legislature from enacting a valid law, then so far as my investigations have extended no constitutional objection can be found that questions the power of the State to provide the necessary funds in the manner prescribed in the bill.

The first constitutional provision I will consider is Section 49 of Article 3, which reads as follows:

"No debt shall be created by or on behalf of the State, except to supply casual deficiencies of revenue, repel invasions, suppress insurrections, defend the State in war, or pay existing debts; and the debt created to supply deficiencies in the revenue shall never exceed in the aggregate at any one time \$200,000."

The question is, does the bill attempt to create a debt by or on behalf of the State? The well settled rules of construction do not give to the language of the Constitution or of statutes any strained or technical meaning, but they are given the meaning in which the language or words are ordinarily understood. The word "State" as used in the Constitution has two meanings, and is used in both senses in different parts of the Constitution. In one sense it signifies the territory inhabited by the people; in the other it means the body politic inhabiting the territory. It is in the second sense that it is used in the above provision of the Constitution. Our Supreme Court and the Supreme Court of the United States in the case of Texas vs. White have held that a State in the ordinary sense of the Constitution is—

"A political community of free citizens occupying a territory of defined boundaries and organized under a government, sanctioned and limited by a written constitution, and established by the consent of the governed."

Texas vs. White, 74 U. S., 700.

State vs. White, 25 Texas, 465, 595.

Again the courts of this State say:

"A State is a political community organized under a distinct government; recognized and conformed to by the peo-



ple as supreme; a commonwealth; a nation."

O'Connor vs. State, 71 S. W. R., 409.

An attribute of a State is sovereignty. Its law, as a general rule, is supreme within its territory. It is a political corporate body, can act only through agents, and can only command by laws. It is, in the language of Vattel, "a moral person, having an understanding and a will, capable of possessing and acquiring rights and of directing and fulfilling obligations."

Republic of Mexico vs. De Arangoiz, 12 N. Y. Sup. Ct., 634.

The State is invested with full powers over all matters within the function of government not expressly inhibited by the Constitution. In such a capacity it owns its penitentiary system, its ore and timber lands to supply the raw material for the industries established to furnish employment for the convicts under its charge. It owns the general revenue raised for the support of the government. It owns the permanent funds created for the endowment of her schools and has clothed the Legislature with the power to invest said funds in the bonds of the United States, the State of Texas, or counties in said State, or in such other securities, and under such restrictions as may be prescribed by law; and the State shall be responsible for all investments.

Constitution, Section 4, Article 7.

Owning as it does the property of the penitentiary, including the ore and timber lands adjacent thereto, also the railroad penetrating them, and owning the revenue arising from its operation; owning, as sovereign, the general revenues of the State and the permanent school fund which it uses for investment only, can it be said that the action of using temporarily a small sum, properly secured, of one of its own funds, will have the effect of creating a debt against the State, or itself, within the meaning of Section 49, Article 3, of the Constitution? Would not the transaction be in the nature of any individual who kept his funds in separate accounts, his funds for groceries in one account, for dry goods, for medicine, for house rent in other accounts, and should draw upon his grocery fund to relieve another necessity temporarily and placed the due bill of the dry goods account as security in the grocery fund, would be thereby creating a debt against himself, especially when he owned it all? The word

"debt" according to Webster "is that which is due from one person to another person, whether money, goods or services. That which one person is bound to pay another person (not that which a person owes to himself, or that which he is bound to pay himself)."

Cook vs. Bartholomew, 13 L. R. A., 452.

A debt is that which one is bound to pay to another.

Lovejoy vs. Inhabitants of Foxcroft, 91 Me., 367.

A debt is a certain sum that is owing from one person to another.

Little vs. Dryer, 138 Ill., 272.

Anthony vs. Savage, 3 Pac., 546.

Appeal Tax Court vs. Rice, 50 Md., 302.

A debt is created when one person binds himself to pay money to another.

Scott vs. City of Davenport, 34 Iowa, 208.

A debt, as defined by the Century Dictionary, is that which is due from one person to another, whether money, goods or services.

State vs. Georgia Co., 19 L. R. A., 485.

A debt is defined to be in its general sense a specific sum of money which is due or owing from one person to another, and denotes not only the obligation of the debtor to pay, but the right of the creditor to receive, and enforce payment.

Campbell vs. City of Indianapolis, 155 Ind., 186.

Neither the Penitentiary Board, nor the State Board of Education, which has charge of the investment of the school funds, are separate corporate bodies with powers or functions inherently their own, but both are agencies of one and the same entity or person, namely, of the State, and when the State, in the administration of its own property, causes one agency to transfer temporarily to another of its own agencies, it is not creating a debt against itself within the meaning of that word as defined by the courts and standard dictionaries. It owes no obligation to any other person, and no other person can sue on the obligation because in its true sense the State has merely used its own and promises itself that it will return to a certain fund owned by itself the funds it desires to use temporarily. Such a transaction is in no sense creating a debt by or on behalf of the State, for no other person is involved in the transaction but itself. The State would

have no authority to issue or sell bonds to any other person, except in such cases as authorized by Section 49, Article 3, of the Constitution.

If the bonds authorized by the bill were sold to an individual, bank, or any other person or association, it would then become a debt against the State, a claim or obligation due from the State to another person; but until such was accomplished it would not create a debt against the State. The exact point was passed upon by the Court of Civil Appeals of this State in the case of the City of Austin vs. Valle, 71 S. W. R., 414, in which case the Supreme Court refused a writ of error.

The court used the following language:

"When is a debt created, and when are bonds issued' within the meaning of these provisions? If the debt is created when the people by an election consent that the council may issue the bonds, or if it is created, when the council by ordinance provides for the issue of the bonds, or even when the bonds have been prepared, signed and sealed, but not sold or delivered, then the appellant is right in its contention, and the issue was excessive. But we do not believe that the constitution or the charter admits of such a construction. Neither the election or the ordinance providing for the issue of the bonds, nor the preparation, signing and sealing of the bonds, created any obligation against the city, all this might have been done and yet if the bonds had not been sold or delivered to a purchaser, the city would have owed nothing. Certainly no debt would have been created; neither do we think that the bonds could be said to have been issued until they passed into the hands of some one who claimed them as a debt against the city."

So long as the bonds are in the hands of the State they cannot become a debt against the State. Moreover, to say that the State cannot under proper restriction use funds of its own to carry on its own enterprises through its own instrumentalities, is to deny its sovereignty and its power to provide for its own necessities, admittedly within its own functions of sovereignty.

The next question is whether the permanent school fund can be invested in the bonds which the State issues to itself. No one who has seriously examined the subject will question the power of the Legislature to appropriate such a sum out of the general revenue of the State, especially after the necessity

of the project has been declared by the Legislature and in view of the fact that the appropriation is for a proper object of governmental administration in a matter clearly within the functions of government.

The Constitution, Section 4, Article 7, provides \* \* \* "The Comptroller shall invest the proceeds of such sales, and of those heretofore made, as may be directed by the Board of Education herein provided for, in the bonds of the United States, the State of Texas or counties in said State, or in such other securities, and under such restrictions as may be prescribed by law; and the State shall be responsible for all investments."

In the first place the bonds authorized by the bill seem to be "State bonds." They are bonds authorized by the State, through its Legislature, to be issued by one of the agencies of the State to secure funds for a project owned and entirely controlled by the State. They will, therefore, come within the definition of that class of bonds which the Constitution expressly authorizes the funds to be invested in. In fact, it is my understanding that the permanent school fund owns at this time many bonds issued by the State and that the public debt of the State, evidenced by bonds, are owned by the same fund. But if any doubt should exist whether the bonds provided in this bill are the kind of State bonds alluded to in the Constitution, then another provision in the same section vests in the Legislature the power and discretion to designate such other securities, and when the Legislature does so, as it provides in this bill, the bonds so issued will become a legal security in which the funds may be invested.

The Constitution lodges the power and discretion in the Legislature to designate such other securities, and legislative action will be binding in all cases except in gross abuse of the power and discretion vested. I understand the facts to be that the railroad property which is pledged as a lien to secure the bonds is worth many thousands of dollars more than the money advanced in this bill and that it affords ample security to the school fund for the amount required. Therefore, it cannot be said as a matter of law that the securities are insufficient and that the requirement that they be accepted by the school board would constitute an abuse of legislative power or discretion. The wisdom and policy of constructing said road and the use of said funds for such purpose is not for this department to determine, but be-

longs to the Legislature, but as to your legal powers to construct such a road to meet the necessities of a State institution, I think there is no question.

The remaining section of the Constitution to be considered is Section 7 of Article 8; which provides as follows:

"The Legislature shall not have power to borrow, or in any manner divert from its purpose any special fund that may, or ought to, come into the treasury;  
\* \* \*

This provision uses the words "special fund" which means a fund distinguished from the general fund, or a permanent fund such as the school fund. It has reference to funds raised by taxation or otherwise for a specific function of government or to pay the current obligations arising thereunder. It cannot have reference to a permanent fund like the school fund, which the Constitution in express language authorizes to be invested, and to be invested in bonds of the State, and such other securities as the Legislature may prescribe. If the constitutional provision above quoted included the permanent school fund, then it would be in direct conflict. They must, therefore, be construed in *pari materia*, and, therefore, the last mentioned section is not a limitation upon the power of the Legislature to pass the bill you have under consideration.

The necessity for the extension of the road and the policy of doing so, in order to penetrate the ore and timber lands of the State, and to furnish an outlet for the products of the penitentiary and to furnish additional facilities for securing necessary supplies, is a matter clearly within the power of the State, and is within the functions of the government, against which I find no constitutional inhibition.

Your powers are coextensive with the State's necessities arising in the proper administration of the State's institutions, but go no further. When the necessity ends, your powers fail.

The declaration by the Legislature that the railroad is necessary for the discharge of its governmental functions in maintaining its penitentiaries, is not, however, conclusive upon the courts and the fact as to such necessity is subject to judicial inquiry, but the Legislature is presumed to have acted within its constitutional powers in passing the act in question, and before said act would be held unconstitutional, it must be made to appear that the Legislature has clearly and unreasonably exceeded its legislative power.

In response to your inquiry as to whether the said act contains more than one subject and is in contravention of Article 3, Section 35 of the Constitution, I beg to say that in my opinion the act, as passed by the House, is substantially an act to authorize the completion of the road to Palestine and providing ways and means for the purpose, and that the provision as to ways and means is merely auxiliary to and a necessary part of the object of the bill.

Breen vs. Texas & Pacific Railway, 44 Texas, 305.

Hayes vs. Porter, 20 Texas, 793.

Albrecht vs. State, 8 Criminal Appeals, 216.

Very respectfully,  
R. V. DAVIDSON,  
Attorney General.

#### ADJOURNMENT.

On motion of Senator Weinert, the Senate adjourned until 10 o'clock tomorrow.

#### APPENDIX.

#### COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, May 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Public Lands and Land Office, to whom was referred

Senate bill No. 41, A bill to be entitled "An Act to amend Section 1, Chapter 132, of the Acts of the Twenty-ninth Legislature, so as to permit the owner of land or lots sold to the State or to any city or town for taxes to redeem the same, with an emergency,"

Have had the same under consideration, and report same back to the Senate with the recommendation that it do pass and be printed in the Journal.

Murray, Chairman; Hayter, Bryan, Kellie, Veale, Harper, Willacy, Huds-peth.

On motion of Senator Murray, that part of the committee report providing that the bill be printed in the Journal was adopted.

Senate Bill No. 41. By Hudspeth.

## A BILL

## To Be Entitled

An Act to amend Section 1, Chapter 132, of the Acts of the Twenty-ninth Legislature, so as to permit the owner of land or lots sold to the State or to any city or town for taxes to redeem the same, with an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 1, Chapter 132, of the Acts of the Regular Session of the Twenty-ninth Legislature, be amended so that it shall hereafter read as follows:

"Section 1. That the owner or anyone having an interest in lands or lots heretofore sold to the State or any city or town under decree of court in any suit or suits brought for the collection of the taxes thereon, or by a collector of taxes or otherwise, shall have the right within two years from the time this act goes into effect to redeem the same upon the payment of the amount of taxes for which sale was made, together with all costs, penalties and interest now required by law, and also the payment of all taxes, interest, penalties and costs on or against said lands or lots at the time of said redemption.

"And where lands or lots shall hereafter be sold to the State, or to any city or town for taxes under decree of court in any suit or suits brought for the collection of taxes thereon, or by a collector of taxes or otherwise, the owner having an interest in such lands or lots shall have the right to redeem the same within two years after such sale, upon payment of the amount of taxes for which sale was made, together with all costs, penalties and interest now required by law; and also the payment of all the taxes, interest, penalties, costs on or against said land or lots at the time of redemption."

Sec. 2. The fact that the law now requires double the amount of taxes on redemption, thereby depriving the State of quite a large sum of tax money, creates an emergency and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted:

Committee Room,

Austin, Texas, May 3, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 39, A bill to be entitled "An Act to authorize incorporated towns, cities and villages in the State of Texas to construct permanent street improvements and assess part of the cost thereof against the owners of property abutting upon such improvements and their property, and against the owners of railroads occupying streets or highways improved and their property, and to provide for the enforcement of the collection of such assessments, and to provide for the submission hereof to a vote of the qualified voters of such towns, cities and villages, and declaring an emergency,"

And find the same correctly engrossed:  
WARD, Chairman.

Committee Room,

Austin, Texas, May 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 34, "An Act to amend Sections 3 and 6 of an act passed by the Twenty-eighth Legislature, entitled 'An Act to reorganize the Fifteenth and Fortieth Judicial Districts of Texas, and to create the Fifty-ninth Judicial District of Texas; to name the counties composing each of said districts; to prescribe the time of holding the terms of the district court in each of said districts; to provide for the extension and return of process issued out of said court; empowering the judge of the Fifteenth Judicial District to empanel the grand jury for Grayson county; and giving authority to the judges of either the Fifteenth or Fifty-ninth Judicial Districts in Grayson county to transfer cases from their respective courts to the other of said courts, and to validate all writs, process and bonds, civil and criminal, issued or executed up to the time this act takes effect, by or from the district courts of the several counties named in this act; and to provide for the appointment of a district judge for the Fifty-ninth Judicial District of Texas, and declaring an emergency,' changing the time of holding court in the Fifty-ninth Judicial District to em-



panel a grand jury for Grayson county, and providing that the judge of the Fifteenth Judicial District may empanel a grand jury for Grayson county in his discretion, adding Section 8a, validating process, etc., issued in the Fifteenth and Fifty-ninth Districts, and declaring an emergency."

And find it correctly enrolled, and have this day, at 11:15 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,  
Austin, Texas, May 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 37, "An Act to amend Section 7, Chapter 55, page 509, Special Laws of the Regular Session of the Thirtieth Legislature of the State of Texas, approved April 4, 1907, entitled 'An Act creating and incorporating Lubbock Independent School District, in Lubbock county,'" etc.,

And find it correctly enrolled, and have this day, at 11:15 o'clock a. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

#### SIXTEENTH DAY.

Senate Chamber,  
Austin, Texas,  
Tuesday, May 4, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Hume.

Veale.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Kellie, the same was dispensed with.

#### BILLS AND RESOLUTIONS

By Senator Harper:

Senate bill No. 42, A bill to be entitled "An Act to amend Article 480, Chapter 5, Title 18 of the Revised Statutes of 1895, authorizing cities and towns to issue bonds and levy taxes in payment therefor; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Committee on Towns and City Corporations.

#### SIMPLE RESOLUTION.

By Senator Hudspeth:

Whereas, It is absolutely necessary for information in the future regarding different measures upon the guaranty of banks that the speech delivered by the Senator from Dallas on Saturday, April 24, from the floor of the Senate relative to the guaranty of bank deposits be printed in the Journal; therefore, be it Resolved, That the Senator furnish the Journal Clerk with a copy of this speech, and that the same be printed in the Journal for the information of the members of the Senate.

Hudspeth, Hume, Murray, Kellie, Wilney, Perkins, Adams, Watson, Peeler, Meachum, Weinert, Real, Terrell of McLennan.

The resolution was read and adopted.

(Note.—The speech above provided for appears in tomorrow's Journal.)

#### INVITATION TO ATTEND BASEBALL GAME.

The Chair had the following read to the Senate:

Austin, Texas, May 4, 1909.

To the Lieutenant Governor and the Members of the Senate:

I take pleasure in hereby extending you an invitation to attend, as our guests, the baseball game between the University and Agricultural and Me-